

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
NOVEMBER 16, 1993**

**Present:** Commissioner Carl M. Loffler, Jr., President  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner W. Edward Bailey was not present due to illness.)

**CALL TO ORDER**

The meeting was called to order at 9:10 a.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, November 9, 1993. Motion carried.

**APPROVAL OF BILLS**

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

**SHIPPING POINT PROPERTY**

Present: Gene Carter, Director, Office on Aging

Mr. Carter appeared before the Commissioners to inform the Board regarding the latest development regarding the Shipping Point Property in the Seventh District. The property was donated to the State through the will of Bruce Colton on the condition that it be used for senior citizens. In court action last week the property was conveyed back to the Colton family heirs. Under the terms of the agreement, the state was permitted to keep the cash endowment that had originally been conveyed with the property under the will. Mr. Carter advised that the State plans to set up an endowment trust which will be administered by a corporate board and will be used to support various senior housing initiatives in the State of Maryland. He advised that the State has indicated that there will be some priority given to the senior citizens of Southern Maryland in the allocation of the funds. During his presentation Mr. Carter advised he had pointed out to the State his displeasure about not being kept informed of what was happening with the property.

The County Administrator advised that it was staff's recommendation that the Commissioners forward a letter to the State indicating that the property and cash endowment was made primarily to benefit the senior residents of St. Mary's County and requesting that the cash endowment be returned to the County to benefit the county's seniors as was originally intended.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to accept the County Administrator's recommendation to forward a letter to the State requesting return of the cash endowment. Motion carried.**

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Three Oaks Homeless Shelter**

As a follow up to last week's discussion, the County Administrator presented correspondence addressed to the Three Oaks Homeless Shelter, Inc. relative to development review and permit fees for the homeless shelter project funded by a state grant. The letter indicates that it was not advisable to exempt or waive payment of the fees as the fees represent

actual costs in providing the services. The letter further points out that the County will advance funds for the fees because of the importance of the project with the hope the project will be able to reimburse the cost of the fees at a later date.

**Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.**

2) **Personnel**  
**Sheriff's Department - Pretrial Services Coordinator**

The County Administrator presented a memorandum dated November 16 from the Personnel Officer requesting approval for reclassification of the Pretrial Services Coordinator position, Grade 17, to Inmate Services Coordinator, Grade 19. The reclassification would be contingent upon the incumbent being approved by the State as "Classification Counselor" for the St. Mary's County Detention Center.

**Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the reclassification as requested. Motion carried.**

3) **Board of Education**  
**Grant Awards - Fiscal Year 1994**

The County Administrator presented correspondence addressed to the Board of Education approving the inclusion of grants totaling \$53,483 into the Fiscal Year 1994 Budget as requested in November 11 correspondence.

**Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the letter to the Board of Education as presented. Motion carried.**

4) **Boards, Committees, Commissions**  
**Nomination Procedures**

The County Administrator requested consideration by the Board for a change in the procedures for nominations to boards, committees, and commissions in order to save copying expense and time. He suggested instead of all the documents (vacancy lists, list of people interested in serving, correspondence, etc.) that the Commissioners be given a status sheet and a Master File with all the documents will be maintained in the office for their review.

After discussion the Commissioners indicated that because of the importance of the nomination process, they did not agree with the proposed change and would prefer to have the documents placed in their boxes. Commissioner Thompson suggested that in order to keep the boards and committee material separate that the documents be placed in a folder for each Commissioners' box. The Commissioners also agreed that they would not need to have the documents duplicated again for the meeting to consider appointments.

5) **Appointment**  
**Solid Waste Advisory Committee**

Commissioner Thompson moved, seconded by Commissioner Jarboe, to appoint Paul Ludwig to the Solid Waste Advisory Committee. Motion carried.

6) **Resolution No. Z93-09**  
**California Sleep Inn**

(Commissioner Loffler excused himself from participating.)

As a follow up to the September 7, 1993 County Commissioners' meeting, the County Administrator presented the referenced Resolution granting the use of Parcel 293 for internal roadways to serve the California Sleep Inn complex.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. Z93-09 as presented. Motion carried.**

**1994 LEGISLATIVE PACKAGE - COUNTY COMMISSIONERS' POSITIONS**

The County Administrator presented the list of items contained in the 1994 Legislative Package for the Commissioners' review and position decision. Positions are as follows:

**1994 LEGISLATIVE ITEMS  
COUNTY COMMISSIONERS' POSITIONS**

<b>Item</b>	<b>Support</b>	<b>No Support</b>	<b>No Position</b>	<b>Comment</b>
1. Transfer Tax	1,3,4,5			
2. Library Bd/Trustees Appt. Process	1,4,5	3		
3. Social Services Bd Appt. Process	1,4,5	3		
4. Commission on Aging Transfer from Code PLL	1,4,5	3		
5. Human Relations Com. Transfer from Code PLL	1,4,5	3		
6. Recreation & Parks Bd. Transfer from Code PLL	1,4,5	3		
7. Commission for Women Transfer from Code PLL	1,4,5	3		
8. Foxes	1,3,5		4	Amend: To require permission from property owner.
9. Municipal Solid Waste Compost	1,3,4,5			
10. Architectural Seal	1,3,4,5			
11. State's Atty's Office Merit System	1,4		3, 5	5) concerned about grandfathering issue
12. Elected School Bd Referendum	1,3,4,5			1 and 5) - Supports w/ no taxing authority 3) - W/ option for taxing authority 4) w/ taxing authority
13. Compost - HB 1088	1, 5		3, 4	
14. Limitation on Auto Liability Claims	3, 4	1	5	
15. County Commissioners Term Limitations		1,5	3,4	
16. Bd/Ed - Education Comm		1	3,4,5	
17. Tax Reform	3	1	4,5	
18. Change of Fiscal Year		1,3	4,5	
<b>Code System to Identify Positions</b> <b>Loffler 1; Bailey 2; Jarboe 3; Lancaster 4; Thompson 5</b>				

## **FISCAL YEAR 1993 AUDIT REPORT**

Present: John Cox, Cox, Long and Askey  
Charles Wade, Director of Finance

Mr. John Cox appeared before the Commissioners to present the Audit Report for Fiscal Year 1993. The report included: Change in General Fund Balance; Comparison of Original Budget to Final Adjusted Budget; Comparison of Actual to Budget - General Fund; General Long-Term Obligations; List of Exhibits; General Fund - Financial Ratios (with indicators of financial health). During the presentation the Commissioners offered suggestions for future audit reports.

In conclusion the Commissioners thanked Mr. Cox for presenting the Audit Report. A copy is on file in the Commissioners' Office.

## **ST. MARY'S COUNTY PUBLIC SCHOOLS CAPITAL IMPROVEMENT PROJECTS**

Present: Ed Fitzgerald, Asst. Superintendent for Administration  
Brad Clements, Supervisor, School Facilities  
Charles Wade, Director of Finance

Mr. Fitzgerald and Mr. Clements appeared before the Commissioners to request a letter of commitment from the Commissioners for the following local Capital Improvement Projects for Fiscal Year 1995 to be submitted to the State.

- o Science Lab for Chopticon High School - 70% funded by the State; County's share - \$27,000
- o State-Owned Relocatables (one to be moved to Chopticon High School and one to be moved to Leonardtown High School) - 70% funded by the State; County's share - \$26,000

Mr. Clements pointed out that the Public Schools was going to request Pre-Kindergarten classrooms, but that this was not a priority item at this time.

**After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign a letter of commitment for the science lab and relocatable capital projects for the Fiscal Year 1995 Budget. Motion carried.**

## **UNDESIGNATED FUND BALANCE**

Present: Charles Wade, Director of Finance

As a follow up to previous discussions Mr. Wade presented a handout relative to the Undesignated Fund Balance. The handout included an overview of additional state revenues for Fiscal Year 1995; additional local revenues less mandated expenditures; dollar value of tax rate changes; change in revenues with an \$.08 tax decrease; capital projects for FY '95; calculations for the undesignated fund balance and sources; list of available funding (recurring and nonrecurring); and proposed uses and requests from Board of Education; Public Works, Library, and Sheriff's Department for a portion of the funds. Mr. Wade noted that funds for the Department of Public Works' requests may be available in the DPW budget.

Mr. Wade indicated that it was staff's recommendation to begin the public hearing process.

Commissioners Loffler and Thompson questioned going to public hearing with recurring budgetary items and that a more concrete proposal should be developed to take to the hearing.

Commissioner Loffler requested the Board of Education to speak to their requests for Supplemental Budget funds. Commissioner Jarboe indicated that the Commissioners should also hear from the other departments making a request for those funds.

**Board of Education - Request for Supplemental Funding**

Also Present: Joan Kozlovsky, Superintendent of Schools  
Elaine Kramer, Supervisor, Budget & Finance  
Robert Kirkley, Vice-Chair, Board of Education  
Al Lacer, "  
Fred Wallace, "

The referenced representatives of the Board of Education and Public Schools appeared before the Commissioners to request the Commissioners' consideration for allocation of funds from the Undesignated Fund Balance. The request included funds for a computerized information system, step increases, playground safety, Adult Education subsidy, computer labs, science labs, and materials of instruction.

As requested by the Commissioners Dr. Kozlovsky and Mrs. Kramer explained the need for the information system and advised that they are ready to move forward with acquiring the equipment. Dr. Kozlovsky pointed out that they have the plans and criteria and the selection of the system has been narrowed down to two vendors.

During discussion Commissioner Loffler requested the reinstatement of the monthly joint meeting with the Commissioners and Board of Education. Rev. Kirkley indicated that the Board members will discuss it at its next meeting and inform the Commissioners of the decision.

After discussion the Commissioners agreed to meet with the Board of Education on November 30 to discuss in detail the computer information system.

**Later in the meeting Commissioner Lancaster moved, seconded by Commissioner Jarboe, to proceed with scheduling the public hearing on the Supplemental Budget as recommended by staff. Commissioners Loffler and Thompson voted against. Motion failed for lack of majority.**

**STATE'S ATTORNEY'S OFFICE  
RECLASSIFICATION REQUESTS**

Present: Walter Dorsey, State's Attorney  
Christy Chesser, Deputy State's Attorney

As a follow up to previous discussions, the referenced individuals appeared before the Commissioners to request consideration for reclassifications for various positions in the State's Attorney's Office. Mr. Dorsey advised that he believed there were classification inequities among his department and other departments in county government which he pointed out has caused morale problems in his office. Mr. Dorsey described the history of the situation describing the hiring, job descriptions, the personnel study, and classifications, and also informed the Commissioners of the work load and responsibilities of his staff.

During his presentation Mr. Dorsey also discussed the past and current legislative request to place his employees under the merit system. The Commissioners referred to the legislative item in the 1994 package, and Mr. Dorsey indicated his concurrence with the draft bill if lines 48 and 49 are deleted (which states that the County Commissioners shall determine the number of personnel necessary for the office).

Discussion ensued regarding the merit system and classifications, and Commissioner Thompson referred to July 3, 1995 letter from County Administrator Cox to Mr. Dorsey relative to bringing the clerical staff in the State's Attorney's Office under the merit system. In response to inquiries from Commissioner Thompson, Mr. Dorsey indicated that he follows county personnel policies and procedures in his hiring practices.

In conclusion Commissioner Loffler directed staff to work with the State's Attorney to define the organization of the State's Attorney's Office, the various positions' duties and responsibilities and appropriate classifications and return to the Commissioners with recommendations.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

Mr. Ichniowski presented the following for the Commissioners review and consideration:

1) **Road Resolution - Hewitt Road**

As a follow up to last week's discussion, Mr. Ichniowski presented the referenced Road Resolution posting "No Parking" on both sides of Hewitt Road because the road has increasingly become a collector road to Chancellors Run Road.

**Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve and authorize Commissioner Loffler to sign the Road Resolution as presented. Commissioners Loffler and Thompson voted against. Motion failed because of lack of majority vote.**

**Commissioner Thompson moved, seconded by Commissioner Loffler, to post "No Parking" on one side only of Hewitt Road. Commissioners Jarboe and Lancaster voted against. Motion failed because of lack of majority vote.**

2) **Correspondence to Secretary Lighthizer  
Annual Transportation Tour**

As a follow up to last week's discussion and the October 26 annual transportation tour presentation, Mr. Ichniowski presented correspondence addressed to Department of Transportation Secretary Lighthizer setting forth a list of priorities for work in St. Mary's County. Commissioner Thompson requested the addition of a phrase in No. 5 - that the State look into evaluating a county/state partnership in the construction of FDR Boulevard.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to sign and forward the letter as amended. Motion carried.**

3) **Supplemental Budget Request - Fiscal Year 1994**

Also Present: Walter Wise, Highway Supervisor  
George Jarboe, Supervisor, Construction and Inspection

Mr. Ichniowski requested the Commissioners' consideration for allocation of a portion of the Undesignated Fund Balance in two areas of his department: Building Services (\$94,700) and two landfill laborers (\$22,196) for a total of \$116,896.

Mr. George Jarboe reviewed the list of maintenance items needed in the various county departments/buildings and the estimated costs.

Mr. Wise reviewed the need for the two laborer positions pointing out the recycling workload requirements.

The Commissioners agreed to give consideration of the request during the development of the Supplemental Budget.

4) **Public Works Agreements  
GBW Partnership (St. Mary's County Airport) - Six Unit T-Hangars**

Mr. Ichniowski presented the referenced Public Works Agreement between GBW Partnership and St. Mary's County guaranteeing completion of improvements required by the Lease between the County and GBW one year from the date of issuance of a Building Permit. The Agreement is backed by a Letter of Credit with the Calvert Bank and Trust Company in the amount of \$70,000.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Public Works Agreement as presented. Motion carried.**

5) **Addendum to Public Works Agreement  
Brooks Cluster**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Walter Dorsey and St. Mary's County extending the deadline for completion of improvements to October 1, 1994. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$184,500.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Addendum as presented. Motion carried.**

6) **Correspondence Calling Letters of Credit**

Mr. Ichniowski presented the following correspondence calling Letters of Credit as follows:

**Potomac Sands Subdivision, Phase 2**

To First National Bank of St. Mary's calling Letter of Credit #A2-12-23-91 for Public Works Agreement in the amount of \$64,500.

**Hickory Hills, Phase 1**

To Fidelity & Deposit Insurance Company calling Bond #30424241 for Public Works Agreement in the amount of \$109,300.

**Forest Knolls**

To First National Bank of St. Mary's calling Letter of Credit #A1-12-23-92 for Public Works Agreement in the amount of \$66,000.

**Miller Subdivision**

To First National Bank of St. Mary's calling Letter of Credit #A1-8-2-90 for Public Works Agreement in the amount of \$10,000.

**Valli View Estates**

To First National Bank of St. Mary's calling Letter of Credit #A1-1-15-1991 for Public Works Agreement in the amount of \$57,800.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the referenced correspondence calling letters of credit, to be forwarded if necessary. Motion carried.**

7) **Chestnut Hills Subdivision - Redmond Road**

As a follow up to last week's discussion, Mr. Ichniowski presented correspondence to the residents of Redmond Road advising that the Commissioners have agreed to keep the name of their road as Redmond Road. A new name will be designated by the developer for the new road to serve the Chestnut Hill development.

The Commissioners agreed to sign and forward the letters as presented.

**SIGN REGULATIONS**

Commissioner Thompson referred to the meeting on November 9 regarding the community's appearance, sign regulations, and what the county should look like in the future, and inquired if the Commissioners would entertain establishing a task force to look into the issue of what we would like the County to look like and make recommendations to the Commissioners. Commissioner Loffler suggested writing a letter requesting the Planning Commission to address this issue and to establish a sub-committee.

The Commissioners gave their concurrence.

**EXECUTIVE SESSION**

Commissioner Thompson moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Property Acquisition (Leased Space for State's Attorney) Property Acquisition/Disposition (Space Requirements for MedEvac), Property Acquisition (Funding Negotiations for Higher Education Facility), as provided in Article 24, Section 4-210a(11). Motion carried.

**Property Acquisition**

Present: Commissioner Carl M. Loffler, Jr., President  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Dan Ichniowski, Director, Department of Public Works  
Mary Pat Pope, Administrative Officer  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11  
Topic: Property Acquisition (Leased Space for State's Attorney)  
Time Held: 2:10 p.m. - 2:38 p.m.

Action Taken: The Commissioners reviewed documentation relative to the leasing of office space for the State's Attorney's Office and requested staff to prepare appropriate documents for consideration by the Commissioners in open session.

**Property Acquisition**

Present: Commissioner Carl M. Loffler, Jr., President  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Dan Ichniowski, Director, Department of Public Works  
Judith A. Spalding Recording Secretary

Authority: Article 24, Section 4-210(a)11  
Topic: Property Acq. (Funding Negotiations for Higher Education Facility)  
Time Held: 2:30 p.m. - 3:05 p.m.

Action Taken: The County Administrator and Public Works Director reviewed with the Commissioners the status of funding for the higher education facility and site costs. The Commissioners directed staff to pursue the matter with the State.

**Property Acquisition/Disposition**

Present: Commissioner Carl M. Loffler, Jr., President  
Commissioner Robert T. Jarboe  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Dan Ichniowski, Director, Department of Public Works  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11  
Topic: Property Acquisition/Disposition  
(Space Requirements for MedEvac)  
Time Held: 3:05 p.m. - 3:25 p.m.

Action Taken: The Commissioners discussed the location of the MedEvac helicopter and agreed to discuss the matter with appropriate officials.

**ADJOURNMENT**

The meeting adjourned at 3:35 p.m.

**Minutes Approved by Board of  
County Commissioners on November 30, 1993**  
*Judith A. Spalding*  
**Recording Secretary**